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SUMMARY RECORD OF THE 1194th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 29 October 1992, at 3 p.m.

Chairman: Mr. POCAR

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The meeting was called to order at 3.25 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of the Islamic Republic of Iran (CCPR/C/28/Add.15) (continued)

1. At the invitation of the Chairman, Mr. Mehrpour, Mr. Hussaini and Mr. Thasildoost (Islamic Republic of Iran) took places at the Committee table.

2. The CHAIRMAN invited the members of the Committee to put oral questions on section I of the list of issues to be taken up in connection with the consideration of the second periodic report of the Islamic Republic of Iran.

3. Mr. PRADO VALLEJO said that, in assessing the human rights situation in Iran, it should not be forgotten that the country had endured a great deal during the long and unjust war with Iraq, which had inflicted so much suffering and devastation on Iran. However, the report said nothing about the consequences of the war for the enjoyment of human rights.

4. With regard to the implementation of the Covenant in general, he noted that, under article 4 of the Constitution, all civil, penal, financial, economic, administrative, cultural, military, political and other laws and regulations must be based on Islamic criteria (CCPR/C/28/Add.15, para. 3). While that in itself was a perfectly respectable option, the developments that had occurred in the world since the emergence of Islam made it permissible to ask whether the fact of ordering the whole life of a country on the basis of such ancient precepts could not give rise to certain problems. It was stated in paragraph 6 of the report that the provisions of the Covenant were incorporated in the Constitution as well as in other laws and put into force accordingly. He would therefore like to know whether an Iranian citizen could invoke the provisions of the Covenant before a court, ask the judge to apply them and claim the guarantees set forth in the Covenant.

5. The Iranian delegation had said that Islamic precepts were entirely consistent with the Covenant. That provided a basis for establishing a dialogue between the Iranian delegation and the Committee. Concerning article 2, the implementation of which seemed to pose certain problems, he asked what were the powers of the Administrative Justice Tribunal mentioned in paragraph 18 of the report. Paragraph 20 indicated that that Tribunal was placed under the supervision of the head of the Judiciary and that its jurisdiction, powers and mode of operation were laid down by law. He would like the Iranian delegation to specify how that Tribunal operated.

6. In connection with article 4 of the Covenant on states of emergency, the report said nothing about the restrictions that could be imposed on the human rights provided for in the Covenant during a state of emergency. However, that was an important point in that article 4 stipulated the rights from which no derogation was permitted.

7. With regard to article 5 of the Covenant, paragraph 53 of the report indicated that the Islamic Republic of Iran had not so far made any interpretation of the provisions of the Covenant leading to the suppression or limitation of the rights and freedoms recognized therein. In fact, a State party could make an interpretative declaration at the time when it ratified the Covenant, but it was for the Committee to interpret the Covenant's provisions.

8. Other members of the Committee had already put various questions concerning discrimination. He himself would like to hear the Iranian delegation's views on three forms of discrimination which might be feared to exist in the Islamic Republic of Iran, namely discrimination against women, discrimination based on religion and political discrimination. With regard to possible discrimination against women, he based himself on the report on the human rights situation in the Islamic Republic of Iran prepared by Mr. Galindo Pohl, Special Representative of the Commission on Human Rights (E/CN.4/1992/34). The situation of women was examined in paragraphs 181-192 of that report, which gave many examples of discriminatory practices. In particular, he noted that the compensation paid in the event of the murder of a man was double that in the case of the murder of a woman; the same was true of women's share of an inheritance, which was half that of men. Women had to obtain permission to travel abroad, they were reportedly restricted in practising sports publicly and they had to be segregated from men in public transport. The report also referred to the dress code imposed on women and the punishment inflicted on women who failed to observe it (paras. 186-191). He would like the Iranian delegation to inform him whether or not there was discrimination against women in the Islamic Republic of Iran and, in particular, whether the capital punishment that could be imposed for adultery (CCPR/C/28/Add.15, para. 59) was applied to women and men equally.

9. With regard to religious discrimination, it was stated in paragraph 5 of the report that three religious minorities were recognized in the country: Zoroastrian, Jewish and Christian. What was the situation concerning other minorities and why were they not recognized? He concluded that discrimination existed against non-recognized religious minorities and referred in particular to the case of the Bahai's, who were subjected to severe restrictions, particularly with regard to religion, education, employment and freedom of movement.

10. The third form of discrimination was that affecting certain political parties, which were not and would not be recognized. Those parties comprised individuals who did not agree with Islamic thinking or who expressed opinions contrary to the official position. An Iranian law of 1981 specified the only recognized parties, which represented different factions of the Islamic clergy. On the other hand, groups such as the Movement for Freedom, set up in 1991, and the Association for the Defence of the Freedom and Sovereignty of the Iranian Nation, had not been recognized, and he would like to know why that was so. He also mentioned that a group of eminent Iranian citizens had sent a polite letter to the Prime Minister drawing attention to certain internal problems and thereby exercising their right to dissent, which was guaranteed by the Covenant. The signatories of the letter had been arrested and sentenced to penalties ranging from 6 months to three years' imprisonment and 20 to 30 lashes. He wondered whether that seemingly unjustifiable

measure could not be regarded as discrimination based on political opinion. The information provided by the Special Representative of the Commission on Human Rights in his report clearly pointed to the existence of certain discriminatory practices in the Islamic Republic of Iran. If that information was in some way inaccurate, the Iranian delegation could provide the necessary clarifications.

11. Mrs. HIGGINS noted that the second periodic report of the Islamic Republic of Iran provided a great deal of concrete information and had the advantage of relating the country's legislation to the various provisions of the Covenant. Whether that relationship existed in practice was, however, another matter.

12. The Iranian delegation had stated that, having been ratified, the Covenant formed part of Iranian law and that so far there had been no conflict in that regard. As she saw it, however, there was one abiding difficulty: since, in the last analysis, the Shariah predominated in the Iranian legal system, the law was not really transparent and predictable and it could not be said what rule would be applied in a particular case. Consequently, it was not easy to determine whether or not there was incompatibility.

13. To ensure that the law applied was compatible with the provisions of the Covenant, a number of measures were required. In that connection, she referred to the reform of the criminal law which had been envisaged in the past. Although the question had already been addressed by other bodies, she would like to know whether anything had been done, and in particular whether firm instructions had been given to State officials to prevent abuses of authority and whether it was possible to bring proceedings in respect of such abuses and to obtain compensation.

14. She then proceeded to comment on article 3 of the Covenant and discrimination against women. That was an interesting subject, since it concerned both religious prescriptions and cases of discrimination under article 6 of the Covenant. She understood from the information available to her that Iranian women could have a public life and that some of them were in the professions. However, she inquired whether there were any women judges. That was a legitimate question, since access to university depended on respect for religious requirements and, in particular, the dress code whose violation entailed extremely severe punishments such as flogging. The Prosecutor-General of the Islamic Republic of Iran had reportedly stated that anyone who rejected that code was an apostate (E/CN.4/1992/34, para. 191).

15. The Islamic Republic of Iran had an official religion, which was perfectly permissible, but in practice that religion obliged half of the population, i.e. women, to dress in a manner which might not be to their liking, to go to places where they might not wish to go and to lead a life which they had not chosen. The problem was particularly serious in that non-observance of those rules gave rise to many arrests: it was reported that in 1991 the Tehran police had arrested 800 women in the space of a few days for breaches of the dress code and a further 375 women for not being properly veiled. Why impose on a large part of the population rules which it was not willing to observe? She also asked whether it was obligatory for senior State officials to be followers of the official religion.

16. Her third series of questions concerned article 26 of the Covenant, which provided for the equality of all persons before the law. Firstly, she associated herself with what had been said by other members of the Committee concerning the Baha'is. She further noted that, under article 19 of the Constitution, all Iranians, whatever the ethnic group or tribe to which they belonged, enjoyed equal rights and that colour, race, language and the like did not bestow any privilege (CCPR/C/28/15, para. 15). The Constitution did not specify that there could be no discrimination based on sex or religion, which immediately raised a problem in relation to the Covenant. Paragraph 5, first subparagraph, of the report stated that Islam was the official religion and that, accordingly, Islamic schools enjoyed official status. In the second subparagraph, it was indicated that Zoroastrians, Jews and Christians were recognized religious minorities who, within the limits set by the law, were free to perform their religious rites and ceremonies and to act according to their own canon. In a third subparagraph, it was stated that the Government of the Islamic Republic of Iran and all Muslims were duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity and to respect their human rights. She failed to grasp the distinction between the second and third subparagraphs: according to the second subparagraph, recognized religions were free to perform their religious rites while, according to the third subparagraph, the human rights of other religions would be respected. However, the performance of religious rites formed part of human rights. She asked for clarification on that subject.

17. She noted that the members of the Baha'i community was exposed to numerous difficulties in various fields: exclusion from university education and from the public sector, profanation of cemeteries, prohibition on setting up their own businesses, restrictions on freedom of movement, etc. In those circumstances, how were the rights proclaimed in article 18 (3) of the Covenant guaranteed to Baha'is? She recalled some comments recently made by an Iranian journalist in a London newspaper to the effect that measures needed to be taken against the Baha'is because they offended public morals, and asked the Iranian delegation to explain the meaning of that statement. Moreover, it was her understanding that the Baha'i faith required its followers to abide by the law of the territory in which they lived. That being the case, she found it hard to see what threat that community could pose to Iranian society.

18. Mr. MÜLLERSON welcomed the Iranian delegation and expressed appreciation of the goodwill gestures made by the Iranian authorities, particularly the submission of their second periodic report (CCPR/C/28/Add.15), which augured well for an open and fruitful dialogue with the Committee.

19. With regard to that report, he noted that paragraph 7, relating to article 1 of the Covenant, focused on the question of non-interference in the internal affairs of States. However, it was not the purpose of article 1 of the Covenant to protect States parties from interference on the part of other countries. It expounded a principle of democracy and, read in conjunction with article 25, laid down rights designed to guarantee that Governments were the emanation of peoples, to whom they were accountable and whose interests they must serve.

20. He associated himself with the questions already put, regarding religious minorities. It was stated in paragraph 5, second subparagraph, of the report that three religious minorities were recognized in Iran. What did recognition or non-recognition imply, and what was the status of other religious minorities? The following subparagraph in the same paragraph was not clear; it suggested that the human rights of those who engaged in conspiracy or activity against Islam and the authorities were not respected, and that the Government and Muslims were not required to observe the human rights of non-Muslims acting against the precepts of Islam or against the State. The principle thus formulated posed a threat to the human rights of large numbers of people, particularly offenders. Yet the Covenant contained precise provisions guaranteeing the human rights of persons in judicial proceedings. That principle might lead to arbitrariness and discrimination. He also inquired about the situation of the Baha'is in that respect. According to press reports, various non-governmental organizations and, in particular, Mr. Galindo Pohl, Special Representative of the Commission on Human Rights, the Baha'is were not only subjected to measures designed to limit their right to practise their religion but also to a series of discriminatory measures in public and private life. In particular, Mr. Galindo Pohl's report indicated that the Baha'is were debarred from universities and were generally refused a passport. It was reported that fewer than 10 of 250 Baha'is who had applied for a passport in 1991 had obtained one. Furthermore, many Baha'is had allegedly been dismissed in recent years in the public sector, a measure which was said to have been progressively extended to the private sector. In 1991, the Ministry of Information had reportedly sent forms to private enterprises on which they had been requested to indicate the religion of each of their employees. The mere fact of requiring an employee to state his religion or belief was in itself a violation of human rights. The State had no business interfering in the religious life of citizens.

21. With regard to discrimination, he noted from paragraph 13 of the report that the Government punished propaganda for discriminatory ideas based on race, membership of an ethnic group or sex. There were, however, other grounds for discrimination such as religion and political opinion, which were referred to in articles 2 and 26 of the Covenant, but were not mentioned in the report. He would like to know the reason for that omission.

22. Paragraph 41 of the report cited various articles of the Constitution dealing with the question of equality between men and women. However, the situation in that regard was unclear, and he therefore associated himself with the questions that had already been put regarding the discrimination to which women were apparently subjected. In addition, he would like to know more about temporary marriages and inquired whether there was equality between the sexes in that regard. He noted from paragraph 47 (a) that a judge could compel a husband to divorce. However, it appeared that the wife could not apply for divorce. Was that really the case?

23. Mr. Lallah had justifiably expressed surprise that martial law had not been decreed during all the years when the country had been at war with Iraq. Paragraph 52 of the report stated that, since the victory of the Islamic Revolution, martial law had not been imposed in any part of the country, while paragraph 49 indicated that, in accordance with the Constitution, the

proclamation of martial law was forbidden. Those two statements seemed to him to be contradictory and he would appreciate clarification from the Iranian delegation on that point.

24. Mr. AGUILAR URBINA welcomed the Iranian delegation and expressed the hope that the fact that the State party had sent a high-level delegation would encourage the resumption of a dialogue that had been broken off for many years. The second periodic report (CCPR/C/28/Add.15) basically had two faults: it covered too long a period and it did not contain enough information on the human rights situation in practice.

25. He was not clear what place the Covenant occupied in Iranian legislation. It had been said that no study had ever been conducted on that subject because national laws had never conflicted with the provisions of the Covenant. A reading of the report, however, cast doubt on that assertion: in paragraph 63 it was indicated that international treaties and agreements must be approved by the Islamic Consultative Assembly and that the provisions of treaties concluded between the Iranian Government and other Governments had the force of law in accordance with article 9 of the Civil Code - in other words, the force of ordinary law. It therefore appeared that, although international treaties had the force of law, they were nevertheless subject to a higher law. In that connection, paragraph 64 of the report called for clarifications. In general, it was incorrect to state, as the Iranian delegation had done, that the provisions of the Covenant did not take the customs and traditions of Islamic countries into account: representatives of a number of Muslim States had contributed to the preparation of that instrument.

26. With regard to paragraph 5 of the report, he associated himself with Mr. Müllerson's questions on the third subparagraph and inquired what activities were regarded as anti-Islamic and who defined them as such. Moreover, it was stated in the same subparagraph that the Government and all Muslims were duty-bound to respect the human rights of non-Muslims, provided that the latter did not engage in activity against Islam and the Islamic Republic of Iran. Did that mean that the human rights of someone who acted against Islam were not respected? The text of paragraph 5 suggested that non-respect for those rights would be virtually an obligation.

27. Lastly, the same paragraph seemed to make a distinction between certain religious minorities that were recognized by the authorities and other religious minorities that were not. That would mean that discrimination existed and he would like further clarification on that point. He would also like to know what was a "Christian Iranian", what were the Christian minorities in Iran and how they were defined by the authorities. Still referring to religious minorities, he requested fuller information on the subject, and particularly on the Baha'is. To the list of violations of the Baha'is' human rights mentioned by other members of the Committee, he would confine himself to adding the destruction of their places of worship and the fact that they were prohibited from assembling to celebrate their faith. In addition, the report of Mr. Galindo Pohl (E/CN.4/1992/34) indicated that a number of Baha'is had allegedly been executed after a summary trial because of their religion. However, discrimination was not directed solely against that

community, and the same report described various measures affecting, for instance, the Assyrian community - in particular, the obligation for Assyrian shopkeepers to place a sign in their shopwindows indicating their religion.

28. With regard to the judiciary, he inquired how judges were appointed and what was the distinction between religious and civil judges. In addition, it would be desirable to have more information on the Islamic revolutionary courts, their functioning and their powers, as well as on their relationship with other courts. He also asked whether there were courts that were not integrated into the judicial structure. Paragraph 17 of the report listed certain functions of the judiciary concerning which he would welcome clarification. Furthermore, paragraph 18 of the report indicated that everyone could demand the annulment of any government regulation from the Administrative Justice Tribunal. He would like to have further information on that Tribunal, particularly regarding its functioning, the guarantees of its independence and the appointment of its judges. Paragraph 18 suggested that the Tribunal had legislative powers. What exactly was the situation in that regard and, in general, how was the independence of judges ensured in Iran?

29. Paragraph 26 of the report indicated that, under articles 61 and 63 of the Punishment Law, any government official who, by virtue or in exercise of his functions, purchased someone's property or obtained control of it by force, or compelled the owner to sell his property or took possession of an object without paying a fair price for it, would be punished accordingly. In that connection, he observed that many of the members of the Baha'i minority, had had their property seized and confiscated without ever being compensated. Had the officials responsible for those acts been punished? In general, if an official acquired property by force but paid a fair price for it, was he liable to penalties? Moreover, was the principle laid down in the Punishment Law applied in practice and, if so, how?

30. He noted from paragraph 29 of the report that a criminal offence had two aspects: a general aspect and a particular aspect. The paragraph went into the nature of the particular aspect, but did not specify what the general aspect consisted of. Was it the penalty?

31. It appeared that the military courts formed an integral part of the judicial system. He would like to know whether that understanding was correct and what were the powers and jurisdiction of such courts.

32. It emerged from paragraphs 32 and 33 of the report that, according to the Law pertaining to revision of court judgements, only the Public Prosecutor or the private claimant if the accused had not been convicted, could apply for revision of a judgement. There was nothing in the report to indicate that a convicted person could apply for revision and correction of a verdict. What exactly was the situation in that respect?

33. With regard to the observance of articles 3 and 26 of the Covenant, he would like to have fuller information on the rights of aliens. It had been said that aliens were required to respect the laws and government decrees, but did they enjoy the same rights as Iranian citizens and, if so, how were they guaranteed such equality?

34. As to the question of equality of the sexes, paragraph 41 of the report indicated that all Iranian citizens, both men and women, equally enjoyed the protection of the law and all human rights in conformity with Islamic criteria. Further on in the same paragraph, it was stated that, under the Constitution, the Government guaranteed the rights of women in all areas in conformity with Islamic criteria. However, the following paragraph mentioned that women could hold "various ... posts", which implied that there were other posts to which they were denied access. What exactly was the situation in that regard? He would appreciate receiving information from the Iranian delegation on the percentage of women in government, in schools and in universities, as well as in the economically active population. He would also like to know, for comparative purposes, what was the percentage of illiterates among women and among men. Moreover, he had heard that there was a draft law prohibiting single women from travelling abroad. Had that draft bill been adopted? Did a married woman have to obtain permission from her husband to be able to go abroad?

35. He noted the statement, in paragraph 44 of the report that every person had the right to freely choose an occupation, but that women were exempted from certain responsibilities and obligations envisaged for men. However, paragraph 48 indicated that, under article 75 of the Labour Code, it was forbidden to employ women in certain types of work. It therefore seemed that they were not exempted from certain types of work but were actually prohibited from engaging in them. He asked the Iranian delegation for clarifications on the apparent inconsistency between those two paragraphs.

36. While he did not see any inconsistency between paragraphs 49 and 52 concerning martial law, he was surprised to note that in the war imposed on it by a neighbour which had been given preference by the great Powers because of its economic importance and had been allowed full latitude, inter alia with the use of chemical weapons, the Islamic Republic of Iran had not proclaimed martial law in the combat areas where the risk of attack by the Iraqi army had been great. He would like to know how martial law operated and, in particular, what rights could be derogated from when it was in force.

37. Mr. WENNERGREN said he appreciated the very detailed report of the Islamic Republic of Iran and the introductory statement of that country's delegation. A reading of the report gave the impression that there were no human rights problems in the Islamic Republic of Iran. That was not, however, the conclusion to emerge from other reports, including those of the Special Representative of the Commission on Human Rights and of numerous non-governmental organizations. The Iranian delegation had indeed mentioned one problem, namely that Islamic culture had not been properly taken into account during the preparation of the Covenant. In that connection, it had referred to article 51 of the Covenant, under which any State party could propose amendments. Would it be possible to know what those amendments might be? If the implementation of the Covenant posed problems for the Islamic Republic of Iran, as the frequent use of the expression "in conformity with Islamic criteria" seemed to indicate, it would be useful to know what they were. The Islamic Republic of Iran claimed to be implementing the Covenant, but there always seemed to be an ambivalence or a kind of mental reservation behind its assertions.

38. Bearing in mind the statement made by the Iranian delegation, he would like to know what was the status of atheists in the Islamic Republic of Iran. Were atheists and religions other than Islam tolerated and, if so, to what extent?

39. The Iranian delegation had placed great emphasis on respect for life, but how could that be reconciled with the maintenance of the death penalty? How could the Islamic Republic of Iran make such extensive use of the death penalty, as shown by the reports available to the Committee?

40. Lastly, he would like to know whether it was possible in the Islamic Republic of Iran to establish courts for special purposes. The Constitution was silent on that subject. Did such courts exist and, if so, for what purposes?

The meeting was suspended at 4.50 p.m. and resumed at 5.10 p.m.

41. Mr. MEHRPOUR (Islamic Republic of Iran) thanked the Committee for its interest in the report of the Islamic Republic of Iran and said that he was convinced of the usefulness of the dialogue that had been established. As was well known, the popular revolution that had taken place in Iran was the product of many years of struggle. The people had expressed its will and set up a State based on Islamic principles. The majority of the population had approved the Constitution and was satisfied with it. The Government derived its legitimacy from the expression of the popular will.

42. The aim of the Muslim religion was the moral reformation of the human being, a goal which was certainly shared by other religions such as Judaism or Christianity. In the Islamic Republic of Iran, society and the social order must be governed by Islamic principles, which could not be changed.

43. With regard to the rights of atheists, as referred to by Mr. Wennergren, it should be noted that believers and atheists received equal treatment, particularly before the courts.

44. Under the Islamic system, laws and regulations were not immutable but could be amended to keep pace with changing circumstances, as was demonstrated, inter alia, by an example taken from the past, namely slavery. Islam had established rules designed to improve the status of slaves and not to encourage that practice at a time when it had been lawful - certain philosophers had even justified it - and had existed throughout the world.

45. Slavery having been subsequently abolished in Iran, the regulations had been amended accordingly and nobody now advocated a return to that practice. Of course, it did happen that certain laws were not entirely in accordance with the precepts of Islam, but the adjustment of those precepts to the conditions of modern society was entrusted to theologians and competent experts, who could make recommendations for amending the legislation. Thus, for example, the Guardian Council, set up under article 91 of the Constitution and composed of theologians, examined the particular circumstances of the modern era and pronounced on Islamic rules which should be modified or annulled because of developments in the situation. For example, the regulations concerning the renting of commercial premises, which had been

drawn up in the 1940s, had been amended so that, henceforth, a tenant who had to vacate such premises on the expiry of a lease was entitled to compensation. A number of problems had been resolved and many difficulties overcome thanks to dialogue, the exchange of new ideas, and expert analyses designed to formulate new rules that were better adapted to the modern age.

46. With regard to the place of the Covenant in the Iranian legal system, he recalled that the Iranian Government had ratified the Covenant, which was an integral part of Iranian legislation and was applied in pratice. In rendering their decisions, judges could invoke the articles of the Covenant, and there had never been a case in which a provision of national law had been found to be incompatible with the principles proclaimed in the Covenant, which were fully reproduced in the Constitution. The rights embodied in the Covenant were the subject of highly fruitful discussions, particularly within the Law Faculty of the University of Tehran. Under Iranian legislation, judges were required to base themselves on the provisions of the law. If, in certain cases, there were no codified regulations, practice, custom and Islamic law could be invoked, but only in civil matters. With regard to criminal procedure, all the rights of the defence, as laid down in the Covenant, were embodied in articles 32-42 of the Constitution. Article 35, in particular, stipulated that all parties to a lawsuit had the right to be defended by a lawyer and that, if they were unable to engage a lawyer of their choice, one was officially designated for them. It should be emphasized that the Covenant did not prescribe any penalties for the violation of that particular right of the defence, whereas under Iranian legislation, any judge who did not accept the automatic designation of defence counsel laid himself open to penalties. All the other provisions of the Covenant were respected and applied in the same way as national legislation.

47. As to the reasons for which the Iranian population had not been widely informed of the existence of the Covenant and the rights for which it provided, he said that steps might be taken to fill that gap now that the country was no longer mobilized by the war effort. Information sessions on human rights had already been organized for officials, jurists and all other persons interested in the rights proclaimed in the Covenant. Those initiatives would be pursued and the provisions of the Covenant would, in particular, be studied in the universities.

48. With regard to possible conflicts between the provisions of the Covenant and Islamic law, it should be recalled that the Covenant had been incorporated into the national legislation, even if the established rule in Iran was the Islamic rule and the Constitution was based on the precepts of Islam. The Islamic Republic of Iran was discharging its obligations under the Covenant, particularly by submitting its reports to the Committee, whose suggestions it was quite willing to hear and whose guidance and advice, if any, it was fully prepared to follow, in order to improve the situation in Iran. It could be that certain differences of interpretation occurred and that the provisions of the Covenant were not fully compatible with Islamic law, but nevertheless the Iranian Constitution embodied the fundamental principle of respect for justice, as provided for in the Covenant. Doubtless the concept of justice and equality varied according to the culture and the country concerned, but the essential principle was that the wishes of individuals, as shaped by their beliefs, their religion and their culture, should be respected. Thus, Iranian

legislation provided for equality between men and women. The fact was that most Muslim women preferred to wear traditional clothing when they went out, particularly to go to work. That was a moral and religious option which they had freely assumed in order to respect Islamic law and they were the ones who protested when they were criticized for doing so. In the West, education was not the same, the question of equality between men and women arose in altogether different terms and the situation could be interpreted differently. The majority of Iranian women wished to follow tradition and their wishes should be respected. Of course, excesses might have occurred, and the Government had sometimes had to step in to keep order, but the clashes were due only to differences in the interpretation of cultural and religious criteria. The rules might nevertheless be modified so as to better reflect the situation in the country. Experts were studying possible changes and it could be that, in certain cases, the situation would evolve to the detriment of the Islamic rule or that, on the contrary, some provisions of international law seemed to run counter to Islamic precepts. All those questions were being examined, but they were so complex that no final conclusion had yet been reached.

49. The CHAIRMAN thanked the representative of the Islamic Republic of Iran for the replies he had given so far to the questions put by the Committee and expressed the hope that there would be a continuing fruitful dialogue between the Committee and the Iranian delegation.

The meeting rose at 6.05 p.m.